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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,695	03/17/2004	Dieter Hoffmann	22878	3784
535	7590	03/22/2005	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			TA, THO DAC	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/802,695	HOFFMANN, DIETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tho D. Ta	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 8/2/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: Fig. 7 & 8 of DE 2810681 C 2

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 560 445 A1.

In regard to claim 15, EP 0 560 445 A1 discloses an adapter adapted to fit with a power track having grooves holding conductors (see abstract), the adapter comprising: a first dielectric housing shell 28; a second dielectric housing shell 29 fittable with the first shell 28 and having a retaining surface (column 4, lines 9-18); a control shaft 24 fittable between the shells 28, 29 and having a retaining surface 25; and a retaining formation 30 on the first shell 28 and snugly engageable with the retaining surface of the second dielectric housing shell 29 (column 4, lines 9-18).

In regard to claim 16, EP 0 560 445 A1 discloses that the one retaining surface is the retaining surface of the second shell (column 4, lines 9-18).

In regard to claim 18, EP 0 560 445 A1 discloses an adapter adapted to fit with a power track having grooves holding conductors (see abstract), the adapter comprising: a first dielectric housing shell 28; a second dielectric housing shell 29 fittable with the

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first shell 28 and having a retaining surface (column 4, lines 9-18); a control shaft 24 fittable between the shells 28, 29; and a first retaining formation 30 on the first shell 28 and snugly engageable with the retaining surface of the second dielectric housing shell 29 (column 4, lines 9-18).

In regard to claim 19, EP 0 560 445 A1 discloses that the first retaining formation 30 is a spring tongue having a hook end, the second shell 29 being formed with a throughgoing aperture immediately adjacent the retaining surface, the shells 28, 29 being fittable together with the hook end engaging through the aperture and locking on the retaining surface (column 4, lines 9-18).

3. Claims 15, 17, 18, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 2810681.

In regard to claim 15, German Patent 2810681 discloses an adapter 10 adapted to fit with a power track 11 having grooves holding conductors 13, 14, the adapter 10 comprising: a first dielectric housing shell 16; a second dielectric housing shell 17 fittable with the first shell 17 and having a retaining surface (see attached drawing); a control shaft A fittable between the shells 16, 17 and having a retaining surface 24; and a retaining formation (see attached drawing) on the first shell 16 and snugly engageable with the retaining surface of the second dielectric housing shell 17.

In regard to claim 17, German Patent 2810681 discloses that the one retaining surface is the retaining surface 24 of the control shaft A.

In regard to claim 18, German Patent 2810681 discloses an adapter 10 adapted to fit with a power track 11 having grooves holding conductors 13, 14, the adapter 10 comprising: a first dielectric housing shell 16; a second dielectric housing shell 17 fittable with the first shell 16 and having a retaining surface (see attached drawing); a control shaft A fittable between the shells 16, 17; and a first retaining formation (see attached drawing) on the first shell 16 and snugly engageable with the retaining surface of the second dielectric housing shell 17.

In regard to claim 23, German Patent 2810681 discloses that a second retaining formation G, 45, 46 on one of the shell 16 and fittable with and capable of holding the control shaft A.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19, 20, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over German patent 2810681 in view of Taormina et al. (3,519,978).

In regard to claims 19, 21, 22, German Patent 2810681 does not disclose that the first retaining formation is a spring tongue having a hook end, the second shell 17 being formed with a throughgoing aperture immediately adjacent the retaining surface, the shells 16, 17 being fittable together with the hook end engaging through the aperture and locking on the retaining surface.

Taormina et al. discloses that the first retaining formation 70, 71 is a spring tongue having a hook end, the second shell 11 being formed with a throughgoing aperture 64, 65 immediately adjacent the retaining surface, the shells 12, 14 being fittable together with the hook end engaging through the aperture and locking on the retaining surface in order to provide a quick connection between two housings; wherein the first retaining formation 70, 71 is unitarily formed with the first housing shell 14; wherein the first retaining formation 70, 71 is elastically deformable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify German Patent 2810681 by constructing the first retaining formation on the first housing and the aperture on the second housing as disclosed by Taormina et al. in order to provide a convenient/reliable retaining connection between two housings.

In regard to claim 20, German Patent 2810681 does not disclose a membrane hinge unitarily formed with the first and second housing shells 16, 17.

Taormina et al. discloses a membrane hinge 16, 17, 18 unitarily formed with the first and second housing shells 12, 14.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify German Patent 2810681 by providing a membrane hinge as disclosed by Taormina et al. in order to keep the two housings together at all time and prevent the housings from getting separated during handling by the users.

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2810681 in view of Fields (4,702,975).

German patent 2810681 does not disclose that the second formation is formed as a fork that can elastically deform to hold the control shaft.

Fields discloses a cheap and easy-to-make spring clip for holding an electronic device 12 in place, wherein the clip is formed as a fork that can elastically deform to hold the device 12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify German Patent 2810681 by replacing the second retaining formation G, 45, 46 with a clip a disclosed by Fields in order to reduce the manufacture cost of the adapter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THO D. TA  
PRIMARY EXAMINER